

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCT 204	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/007990	International filing date (day/month/year) 16.07.2004	Priority date (day/month/year) 18.07.2003
International Patent Classification (IPC) or national classification and IPC B60K15/05		
Applicant DR. SCHNEIDER ENGINEERING GMBH		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/007990

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-7 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-15 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/1 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/007990

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-15</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-15</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-15</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

1

This report makes reference to the following document:

D1: DE 32 09 007 C (DAIMLER BENZ AG) 25 August
1983 (1983-08-25)

2

Document D1 is considered the closest prior art and discloses (the references between parentheses refer to that document):

fuel tank trough (10) made of plastics for inserting into an opening in the bodywork (34) of a motor vehicle, comprising:

- a through hole (40) in the rear wall and/or a connector (46) thereon for connecting or inserting a sealable fuel inlet;
- a second through hole in the rear wall (42);
- a substantially vertically extending pivot bearing (16) with horizontal bearing bores above and below in a side generated wall of the fuel tank trough (10) for the insertion

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/007990

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- of a bearing pin, rotatably mounted therein, to which is secured a bearing lever (20) of a cap (14) that seals the fuel tank trough (10);
- at least one inner and/or outer bearing chamber formed on at least one generated wall of the fuel tank trough (10) for accommodating at least one controllable sealing arrangement that is arranged in a housing for locking the closed cap (14) with a rotatably or slidably mounted closing element that can be actuated by a motor and/or by hand, said closing element detachably engaging a catch on the rear of the bearing lever (20) or the cap (14) when in the locked position;
 - arrangements on the outer side of the generated wall for catching the fuel tank trough (10) and/or securement catches for securing the fuel tank trough to the body work of the vehicle and/or to supports secured thereto (see D1, paragraphs 9-12, figures 1 and 2),

from which the subject matter of independent claim 1 differs in that:

a second through hole which is delimited by an attenuation groove is marked or formed in the rear wall for bivalent gas refuelling, and in that following incorporation or during the pre-assembling of the fuel tank trough in the recess

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/007990

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in the vehicle body, the thus delimited wall part can be broken off or ejected to form the through hole.

2.1

The subject matter of claim 1 is thus novel (PCT Article 33(2)). The present invention can therefore be considered to address the problem of developing a fuelling system which can easily be converted into a system with two connections for two fuels, for bivalent gas refuelling.

2.2

The solution to this problem as proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons: the available prior art neither discloses nor suggests the formation of a second hole which is delimited by means of an attenuation groove and can be broken off.

2.3

Claims 2-15 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.